

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

DIRECT LINE: (202) 342-8518

EMAIL: tcohen@kelleydrye.com

May 13, 2013

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Fiber-to-the-Home Council (FTTH Council) *Ex Parte* Filing in the following proceedings –
GN Docket No. 09-51, National Broadband Plan for Our Future
GN Docket No. 09-137, Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act
CC Docket No. 96-45, Federal-State Joint Board on Universal Service
CC Docket No. 02-6, Schools and Libraries Universal Service Support Mechanism
WC Docket No. 02-60, Rural Health Care Support Mechanism
WC Docket No. 05-337, High-Cost Universal Service Support
WC Docket No. 10-90, Connect America Fund

Dear Ms. Dortch:

On May 9, 2013, Heather Gold (FTTH Council) and the undersigned, Thomas Cohen (Kelley Drye & Warren LLP), met with Rebekah Goodheart, Legal Advisor to Commissioner Clyburn, and, in a separate meeting, with the following Commission staff: Tejas Narechania (OSP), Tim Stelzig (WCB), Amy Bender (WCB), Kristine Fargotstein (WCB), Steve Rowings (WCB), and Wesley Platt (WCB). The purpose of the meetings was to discuss a rulemaking petition the Council is considering submitting to the Commission.

Ms. Gold began the meeting by explaining that the Council supports Chairman Genachowski's Gigabit City Challenge and Commissioner Rosenworcel's E-rate 2.0 proposal and

KELLEY DRYE & WARREN LLP

Marlene H. Dortch

May 13, 2013

Page Two

believes the Commission has a substantial opportunity to build upon these efforts to accelerate the deployment of ultra high-speed networks, which are so essential to our nation's future. Accordingly, to drive innovation, economic development, job growth, and digital literacy, the Council is developing a proposal whereby it would ask the Commission to establish a limited pilot program for service providers to build and operate gigabit networks for use by libraries and educational, health care, and other community anchor institutions and their associated communities. These entities have demonstrated that they are most in need of ultra high-speed broadband, and deployments to them will act as a market catalyst, especially as application developers create next-generation services that will require the enormous capabilities of these networks.

Ms. Gold then explained the Council's vision for its limited pilot program proposal. In the pilot, the Commission would hold a competition where service providers/equipment vendors (private or public)—working alongside community institutions—would present proposals for gigabit network test-beds. The Commission would select the most deserving proposals according to established criteria and award capital support for the deployment of the network along with a subsidy for the provision of service at a discounted rate. The Commission also would establish reporting and auditing requirements to ensure the objectives for the program are met. The Council believes funding for the program could come from the Universal Service Fund without increasing the current budget.

The Council intends to continue to inform the Commission about the development of this proposal. Should you have any questions, please contact me.

Sincerely,



Thomas Cohen
Kelley Drye & Warren, LLP
3050 K Street N.W.
Washington, DC 20007
202-342-8518
tcohen@kelleydrye.com
Counsel for the FTTH Council

cc: Rebekah Goodheart
Tejas Narechania
Tim Stelzig
Amy Bender
Kristine Fargotstein
Steve Rowings
Wesley Platt